

### REMARKS

By the *Final Office Action* of 11 August 2005, Claims 1-93 are pending in this Application, and all rejected. In response to the *Final Office Action*, Applicant submits this *Response and Amendment* and a RCE. Applicant encloses the required RCE fee with this *Response and Amendment*.

By the present *Response and Amendment*, Applicant amends independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, and 91 to further clarify Applicant's claimed invention; cancels Claims 64-65, 88-89, and 93; and adds new Claims 94-98. Applicant amends claims in this *Response and Amendment* solely to facilitate prosecution and reserves the right to pursue claims of broader scope or having similar scope as originally filed in a continuation application.

No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

#### **1. Information Disclosure Statement Submission**

Applicant contemporaneously files an information disclosure statement ("IDS") submission with this response. The IDS submission contains both electronic and paper submissions. Applicant respectfully requests the Examiner to review the IDS submission when reviewing this response. No fee is believed due for this IDS submission since it is being submitted with an RCE.

#### **2. Pending Claims**

Applicant amends independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, and 91 to further clarify Applicant's claimed invention. Specifically, these claims have been amended to clarify Applicant's claimed invention to recite a transceiver to communicate with a transceiver network and a cellular transceiver configured to communicate with a cellular communication network. The clarifying amendments are disclosed on page 31, lines 6-17 of the *Specification*. Applicant respectfully submits that the cited references, either individually or collectively, do not teach or suggest the elements and limitations recited in the amended independent claims. Applicant, therefore, respectfully submits that the clarifying amendments place this Application in condition for allowance.

### 3. The Claim Rejections

Claims 1-93 are currently pending in this Application, and all rejected. Specifically, the Examiner asserts the following rejections:

Claims 1, 3, 4, 8, 13-18, 20, 22, 23, 27-30, 32-35, 37, 41, 42, 44, 45, 49, 57-60, 63-68, 70, 71, 73, 74, 81-84, and 87-93 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rieser et al. (U.S. Patent Application Publication No. 2001/0034223);

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al. in view of Antonucci et al. (U.S. Patent Application Publication No. 2001/0021646);

Claims 9-11, 19, 50-53, 61, 76-79, and 85 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Wheeler et al. (U.S. Patent Application Publication No. 2002/0072348);

Claims 12, 31, 54, 62, 80, and 86 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Tendler (U.S. Patent No. 5,555,286);

Claims 36, 38, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Hunter et al. (U.S. Patent Application Publication No. 2003/0069002);

Claims 40 and 69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Manis et al. (U.S. Patent Application Publication No. 2003/0133473); and

Claims 55 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Struhsaker (U.S. Patent Application Publication No. 2002/0098858).

### 4. Applicant's 37 C.F.R. § 1.131 Declaration

In the previous *Response and Amendment*, Applicant submitted a 37 C.F.R. § 1.131 declaration to antedate Rieser et al. In the *Final Office Action*, the Examiner asserts that the declaration fails to swear behind Riser et al.'s earliest priority date. Applicant respectfully submits that Rieser et al. does not get the benefit of the filing date of its provisional patent application for its priority date because the provisional application does not support and adequately disclose the subject matter in Rieser et al. that the Examiner bases the § 102(e) rejection on as discussed in MPEP §§ 706.02(f)(1) and 2163.03. Indeed, Applicant respectfully asserts that the Examiner has not satisfied the burden of showing how the provisional application

supports the subject matter appearing in Rieser et al. that the Examiner bases the § 102(e) rejection on. Applicant further notes that it appears from the record that the Examiner has not even reviewed Rieser et al.'s provisional patent application.

Accordingly, Applicant incorporates by reference herein Applicant's § 1.131 Declaration and the arguments advanced in Applicant's previous *Response and Amendment* and respectfully requests removal of the Rieser et al. reference. Because the portions of Rieser et al. cited by the examiner are not fully and adequately supported by the Rieser et al. provisional application, Rieser et al. does not benefit from the filing date of the provisional application.

While Applicant continues to disagree with the Examiner about the effective priority date of Rieser et al., Applicant discusses below why Applicant's claimed invention is patentable over Rieser et al. Applicant, however, reserves the right to further contest Rieser et al.'s effective date in a later filed continuation application, future response, or at a time when Applicant can raise such argument.

#### 5. The Rieser et al. Rejection

The Examiner rejects some Claims under 35 U.S.C. § 102(e) as being anticipated by Rieser et al. The Examiner specifically asserts on pages two through sixteen of the 11 August 2005 *Final Office Action* that Rieser et al. reads on each and every element and limitation recited in these Claims. Applicant respectfully traverses the § 102(e) rejection in view of the clarifying amendments and Applicant's previously submitted 37 C.F.R. § 1.131 declaration.

Rieser et al. disclose a method and system for providing location dependent and personal identification information to a public safety answering point. The Rieser et al. system includes a personal security transmitter, multiple base stations, and a command center. (Rieser et al., ¶¶ 8-9). In operation, the personal security transmitter, when activated, transmits a transmission packet signal to one or more base stations. (Rieser et al., ¶ 8). The base stations receiving the transmission packet signal process the transmission packet signal and generate a base station packet. (*Id.*) After generating the base station packet, the base stations then transmit the base station packet to the command center. (Rieser et al., ¶ 9-10). The command center receives and processes the base station packet, and retrieves personal identification information from a database corresponding to the person activating the personal security transmitter. (*Id.*)

Rieser et al. does not disclose each and every claim element and limitation of the amended Independent Claims as required by § 102(e). Specifically, Rieser et al.'s personal security transmitters are not configured to communicate with a cellular communication network as recited in the amended independent Claims. Rather, Rieser et al.'s personal security transmitters are "beacons" configured to "send a transmission packet signal upon activation" to a command center. (Rieser et al., ¶ 9-10). Rieser et al.'s system does not teach or suggest utilizing a "beacon" with a cellular transceiver configured to communicate with a cellular communication network.

Applicant, therefore, respectfully submits that the independent Claims, as amended, are patentable over Rieser et al., and that the dependent Claims are also allowable over Rieser et al. for the further limitations contained therein. Withdrawal of the § 102(e) rejection is respectfully requested.

#### 6. The Rieser et al. and Antonucci et al. Rejection

The Examiner rejects some Claims under 35 U.S.C. 103(a) as being unpatentable over Rieser et al. in view of Antonucci et al. (U.S. Patent Application Publication No. 2001/0021646). The Examiner specifically asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Antonucci et al. such that the command center is connected to the base station using the Internet to take advantage of the benefits of the Internet such as standardization and ease of setting up the system. Applicant respectfully traverses the rejection to these Claims in light of the clarifying amendments.

Antonucci et al. disclose a system and method for routing special number calls in a telecommunications network. According to Antonucci et al., the "invention is particularly directed to routing special number calls in a telecommunication network" such as emergency 911 calls. (Antonucci et al., ¶ 28). The Antonucci et al. system includes a mobile call originating station, a mobile switching station, a mobile geolocation system, and a special number call service station. (Antonucci et al., ¶ 32). The mobile call originating station originates a special number call and includes a position determining unit. (Antonucci et al., ¶ 32). The mobile switching station receives the special number call and assigns a temporary identifier for the mobile call originating station. (*Id.*) The mobile geolocation system cooperates with the mobile switching station to query the position determining unit for origination geographic information

relating to the call. (*Id.*) The special number call service station is coupled to the mobile switching station, and the mobile switching station routes the special number call service station using some of the origination geographic information. (*Id.*)

Antonucci et al. does not cure the defects present in Rieser et al. As discussed above, Rieser et al. does not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser et al.-Antonucci et al. combination does not disclose or suggest each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver to communicate with a transceiver network, and a cellular transceiver configured to communicate with a cellular communication network. Accordingly, Applicant respectfully asserts that Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are patentable over the Rieser et al.-Antonucci et al. combination for the further limitations contained therein.

Additionally, Applicant respectfully asserts that Antonucci et al. is not analogous to Applicant's claimed invention. In particular, routing calls in a telecommunication network using geographical information is not reasonably related to the problems solved by Applicant's claimed invention. Moreover, the Examiner provides no reasonable expectation of success that Applicant's claimed invention would result from the Rieser et al.-Antonucci et al. combination, or suggestion or motivation in the references to combine the references. Applicant, therefore, respectfully asserts that Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are patentable over the Rieser et al.-Antonucci et al. combination. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

#### 7. The Rieser et al. and Wheeler et al. Rejection

The Examiner rejects some Claims under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Wheeler et al. (U.S. Patent Application Publication No. 2002/0072348). The Examiner specifically asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Wheeler et al. such that the system is activated by one of the claimed sensors to automatically trigger a request for emergency services in a case where a person is unable to do so and activated by the claimed panic button or keys to allow a user to activate the system. Applicant respectfully traverses the rejection to these Claims.

Wheeler et al. disclose a method and system for requesting and dispatching emergency services to a wireless communications network customer. The system includes a wireless communication device; a wireless communications network, including a wireless transceiver tower; a security monitoring center; and a pool of emergency services. (Wheeler et al., ¶ 9). When a customer using the wireless communication device transmits a request for emergency services, the request is sent to the monitoring center. (Wheeler et al., Abstract). The monitoring center evaluates the location of the customer, the personal profile of the customer, and the nature of the request. (*Id.*) The monitoring center then issues an appropriate dispatch to emergency service providers. (*Id.*)

Wheeler et al. does not cure the defects present in Rieser et al. As discussed above, Rieser et al. does not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser et al.-Wheeler et al. combination does not disclose each and every claim element and limitation recited in amended independent claims. Specifically, the cited combination does not teach or suggest a transceiver to communicate with a transceiver network, and a cellular transceiver configured to communicate with a cellular communication network. Accordingly, Applicant respectfully asserts that Claims 9-11, 19, 50-53, 61, 76-79, and 85 are patentable over the Rieser et al.-Wheeler et al. combination for the further limitations contained therein. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

#### 8. The Rieser et al. and Tendler Rejection

The Examiner rejects some Claims under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Tendler (U.S. Patent No. 5,555,286). The Examiner specifically asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Tendler to include the claimed activation by dialing 911 to provide a means for activation that is universally known and requires no special knowledge of activation on the part of the user. Applicant respectfully traverses the rejection to these Claims.

Tendler discloses a cellular phone based automatic emergency vessel/vehicle location (EVLS) system. The Tendler system includes a cellular phone with an EVLS module for speech synthesis and location decoding, and a combined dialer and activation detector. (Tendler, col. 2, lines 25-30). The cellular phone keypad, a panic button, a Lojack/hijack sensor, a car theft

alarm, airbag deployment, a man down sensor, or other form of remote activation can activate the activation detector. (Tendler, col. 2, lines 60-67). Upon activation, the activation detector/dialer causes the cellular phone to dial a telephone number and communicate via the cell phone transceiver and cell phone network—no other transceiver or communication network is utilized. (Tendler, col. 2, lines 41-44). Once connected to another phone, the EVLS system decodes its location and provides a synthesized voice emergency message signaling an emergency and the location of the emergency. (Tendler, col. 6, lines 17-20).

Tendler does not cure the defects present in Rieser et al. As discussed above, Rieser et al. does not disclose each and every claim element and limitation of the independent Claims. Additionally, the Rieser et al.-Tendler combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver to communicate with a transceiver network, a cellular transceiver configured to communicate with a cellular communication network. Moreover, Tendler teaches away from such a combination because Tendler does not teach or suggest communicating with an additional network, such as an emergency transceiver network.

Accordingly, Applicant respectfully asserts that Claims 12, 31, 54, 62, 80, and 86 are patentable over the Rieser et al.-Tendler combination. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

#### 9. The Rieser et al. and Hunter et al. Rejection

The Examiner rejects Claims 36, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Hunter et al. (U.S. Patent Application Publication No. 2003/0069002). The Examiner specifically asserts with regard to Claims 36 and 38 that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Hunter et al. to include the claimed use of a cable box to take advantage of common household items capable of displaying information and a pager to provide a small, lightweight and portable device. Regarding Claim 39, the Examiner additionally asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Hunter et al. such that the system is able to request additional information from the device to allow better selection of the appropriate emergency management service. Applicant respectfully traverses the rejection to these Claims.

Hunter et al. disclose a system and method for emergency notification content delivery. The system includes an emergency notification source, a transmitting party such as a cable system operator, and devices coupled to the transmitting party. (Hunter et al., ¶ 50). The emergency notification source transmits real-time emergency information to the transmitting party, and the transmitting party transmits the real-time emergency information to users via the devices. Id.

Hunter et al. does not cure the defects present in Rieser et al. As discussed above, Rieser et al. does not disclose each and every claim element and limitation of the independent Claims. Additionally, the Rieser et al.-Hunter et al. combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the combination does not teach or suggest a transceiver to communicate with a transceiver network, and a cellular transceiver configured to communicate with a cellular communication network. Accordingly, Applicant respectfully asserts that Claims 36, 38, and 39 are patentable over the Rieser et al.-Hunter et al. combination for the further limitations contained therein. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

#### 10. The Rieser et al. and Manis et al. Rejection

The Examiner rejects Claims 40 and 69 under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Manis et al. (U.S. Patent Application Publication No. 2003/0133473). The Examiner specifically asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Manis et al. to include the claimed use of power lines to communicate data to take advantage of a network that is already in place and readily available as suggested by Manis et al. Applicant respectfully traverses the rejection to these Claims.

Manis et al. disclose a power line communication system. As provided by Manis et al., the goal of Manis et al. is to solve the problem encountered when multiple power line communication systems are utilized on different power line network segment. (Manis et al., ¶ 11). More specifically, Manis et al. is concerned with adding communication capabilities to an existing power line communication system "without sacrificing [the] legacy system and preserving its bandwidth as much as possible." (Id.)

Applicant respectfully asserts that Manis et al. is not analogous to Applicant's claimed



invention, and can not be properly combined with Rieser et al. because Manis et al. is not reasonably pertinent to the problems solved by Applicant's claimed invention. Applicant also respectfully asserts that the Examiner provides no reasonable expectation of success that Applicant's claimed invention as recited in Claims 40 and 69 would result from the Rieser et al.-Manis et al. combination.

In addition, Applicant respectfully asserts that the Rieser et al.-Manis et al. combination does not render Claims 40 and 69 as unpatentable. The combination does not teach or suggest all of the claim elements and limitations recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver to communicate with a transceiver network, and a cellular transceiver configured to communicate with a cellular communication network. Applicant, therefore, respectfully asserts that dependent Claims 40 and 69 are allowable over the combination for the further limitations contained therein. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

#### 11. 35 U.S.C. § 103(a) Rejection to Claims 55 and 56

The Examiner rejects Claims 55 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Rieser et al. in view of Struhsaker (U.S. Patent Application Publication No. 2002/0098858). The Examiner specifically asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al. with Struhsaker to include the claimed reallocation of resources for an emergency call to ensure that emergency messages are completed. Applicant respectfully traverses the rejection to Claims 55 and 56 in light of the clarifying amendments.

Struhsaker discloses an apparatus for reallocating communication resources to establish a priority call in a fixed wireless access communication system. When communication resources are initially unavailable to permit establishment of a priority or emergency call, normal call set-up procedures are emulated at a subscriber station from which the call is to be originated. (Struhsaker, ¶ 60). During emulation, the system determines if the call is a priority or emergency phone call. (Struhsaker, ¶ 62). If the system determines that the call is a priority or emergency phone call, communication resources are reallocated in the communication system to permit the call, and the caller is not made aware of the initial unavailability of resources. (Struhsaker, ¶ 62-63).

Struhsaker does not cure the defects present in Rieser et al. As discussed above, Rieser et al. does not disclose each and every claim element and limitation of the amended Independent Claims. Additionally, the Struhsaker-Rieser et al. combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver to communicate with a transceiver network, and a cellular transceiver configured to communicate with a cellular communication network. Accordingly, Applicant respectfully asserts that Claims 55 and 56 are patentable over the cited combination. Withdrawal of the § 103(a) rejection to these Claims is respectfully requested.

## 12. New Claims 94-98

Applicant adds Claims 94-98 to this Application by the present *Response and Amendment*. Applicant respectfully asserts that new Claims 94-98 are allowable over the cited references of record because the references, either individually or collectively, teach or suggest a emergency communication device as recited in Claims 94-98. It is also believed that new Claims 94-98 do not introduce any new matter in this Application and are supported by the originally-filed *Specification* on page 31, lines 6-17.

## 13. Fees

Applicant believes that no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response and Amendment* is being filed within five months of the *Final Office Action* and with an RCE. Applicant authorizes the Commissioner to charge Deposit Account 20-1507 for the small-entity two-month extension fee (\$225) and the small-entity RCE fee (\$395).

No other fees are believed due. Nonetheless, authorization to charge Deposit Account No. 20-1507 is given should any additional fees be due.

**CONCLUSION**

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully request early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3696.

Respectfully submitted,

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